

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

TRAVELERS CASUALTY AND SURETY COMPANY as
Administrator for RELIANCE INSURANCE
COMPANY,

Plaintiffs,

-against-

DORMITORY AUTHORITY - STATE OF NEW YORK,
TDX CONSTRUCTION CORP. and KOHN PEDERSON
FOX ASSOCIATES, P.C.,

Defendants.

-----X

DORMITORY AUTHORITY OF THE STATE OF NEW
YORK and TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

-against-

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

-----X

TRATAROS CONSTRUCTION, INC. and TRAVELERS
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

-against-

CAROLINA CASUALTY INSURANCE COMPANY;
BARTEC INDUSTRIES, INC.,; DAYTON SUPERIOR
SPECIALTY CHEMICAL CORP. a/k/a DAYTON
SUPERIOR CORPORATION; SPECIALTY
CONSTRUCTION BRANDS, INC. t/a TEC; KEMPER
CASUALTY INSURANCE COMPANY d/b/a KEMPER
INSURANCE COMPANY; GREAT AMERICAN
INSURANCE COMPANY; NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, P.S.;
UNITED STATES FIRE INSURANCE COMPANY;
NORTH AMERICAN INSURANCE COMPANY; ALLIED
WORLD ASSURANCE COMPANY (U.S.) f/k/a

NOTICE OF MOTION OF
ALLIED WORLD ASSURANCE
COMPANY (U.S.) INC.
AND NORTH AMERICAN
SPECIALTY INSURANCE
COMPANY FOR SUMMARY
JUDGMENT PURSUANT TO
FED.R. CIV.P.56

Docket No. 07-cv-6915
(DLC)

COMMERICAL UNDERWRITERS INSURANCE
COMPANY; ZURICH AMERICAN INSURANCE
COMPANY d/b/a ZURICH INSURANCE COMPANY
d/b/a OHIO CASUALTY GROUP; HARLEYSVILLE
MUTUAL INSURANCE COMPANY (a/k/a
HARLEYVILLE INSURANCE COMPANY); JOHN DOES
1-20 and XYZ CORPS. 1-19 ,

Fourth-Party Defendants.

-----X

PLEASE TAKE NOTICE that, upon the Declaration of Joel M. Simon dated August 4, 2008, and the exhibits annexed hereto including the Affidavit of Anita Thibadeau dated August 4, 2005 and upon the accompanying Memorandum of Law and all prior pleadings and proceedings in this action, Attorneys for Fourth-Party Defendants Allied World Assurance Company (U.S.) Inc. and North American Specialty Insurance Company as successor in interest to Commercial Underwriters Insurance Company by and through its attorneys, Smith Mazure Director Wilkins Young & Yagerman, P.C. will move this Court, Hon. Denise L. Cote, U.S.D.J., at the United States District Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, on a date and time to be determined by the Court, for an Order granting summary judgment and dismissing the Fourth-Party Complaint against ALLIED WORLD ASSURANCE COMPANY (U.S.) INC. and North American Specialty Insurance Company as successor in interest to Commercial Underwriters Insurance Company pursuant to Fed. R. Civ.P. 56 and awarding legal fees, costs and such other and further relief to

ALLIED WORLD ASSURANCE COMPANY (U.S.) INC. and North American Specialty Insurance Company as successor in interest to Commercial Underwriters Insurance Company.

Dated: New York, New York
August 5, 2008

Yours, etc.,

SMITH MAZURE DIRECTOR WILKINS
YOUNG & YAGERMAN, P.C.

By: 

JOEL M. SIMON (JMS - 1077)
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ALLIED WORLD ASSURANCE COMPANY (U.S.)
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Our File No. NAS-00285/JMS

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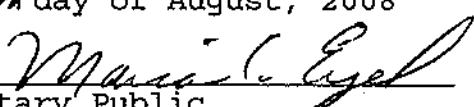
AFFIDAVIT OF SERVICE

That on August , 2008, deponent served upon all parties the annexed Allied World Assurance Company (U.S.) Inc. and North American Specialty Insurance Company as successor in interest to Commercial Underwriters Insurance Company's motion for summary judgment pursuant to Fed. R.Civ.P. 56, Declaration of Joel M. Simon in support of the motion for summary judgment and dismiss the fourth party complaint and memorandum of law against fourth party defendants Allied World Assurance Company (U.S.) Inc. and North American Specialty Insurance Company as successor in interest to Commercial Underwriters Insurance Company via the Court's ECF System.



JOEL M. SIMON (JMS 1077)

Sworn to before me this
6th day of August, 2008



Notary Public

MARIA C. ENGEL
Notary Public, State of New York
No. 01EN5069958
Qualified in Kings County
Commission Expires Dec. 9, ~~2009~~

2010

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Civil Action No. 07-cv-6915 (DLC)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRAVELERS CASUALTY AND SURETY COMPANY as Administrator for RELIANCE INSURANCE COMPANY,

Plaintiffs,

-against-

DORMITORY AUTHORITY - STATE OF NEW YORK, TDX CONSTRUCTION CORP. and KOHN PEDERSON FOX ASSOCIATES, P.C.,

Defendants.

And third and fourth party actions

NOTICE OF MOTION and SUPPORTING PAPERS

SMITH MAZURE DIRECTOR WILKINS
YOUNG & YAGERMAN, P.C.

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Company as successor in interest to
Commercial Underwriters Insurance
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NAS-00285/JMS

CERTIFICATION PURSUANT TO 22 N.Y.C.R.R. §130-1.1a

hereby certifies that, pursuant to 22 N.Y.C.R.R. §130-1.1a, the foregoing is not frivolous nor frivolously presented.

Dated: New York, New York

PLEASE TAKE

NOTICE

- ☐ that the within is a true copy of a _____ entered in the office of the clerk of the within named Court on _____.
- ☐ that a _____ of which the within is a true copy will be presented for settlement to the Hon. one of the judges of the within named Court at _____, on at 9:30 a.m.

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